THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :8132 of 2006

DATED:23-03-2007

BETWEEN:

Smt. Maguluri Mariamma.

..... PETITIONER

AND

The Mandal Revenue Officer,
Tullur Mandal,
Tullur,
Guntur District & 3 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner; learned Government Pleader for Home; and the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondent authorities in not taking any action *in spite* of several requests and representations of the petitioner, as illegal and arbitrary.

3. It is the case of the petitioner that she is the absolute owner of the plot No.11 admeasuring Ac.0.04 cents situated at Vaddamanu village, Tullur mandal, Guntur District, which is assigned in favour of the husband of the petitioner by the then Tahsildar, Mangalagiri vide proceedings No.D.K.R./US/1143/98, and after the death of her husband, petitioner succeeded the said property as the assigned lands are inheritable. It is further stated that when the son of the petitioner, namely Maguluri Kumar, came to her village the 4th respondent threatened him with dire consequences and therefore he made a written intimation on 08-06-2005 to the 3rd respondent for taking necessary action against the 4th respondent, but the 3rd respondent has not taken any action. Therefore, another representation, dated 29-08-2005, was

sent by registered post which was acknowledged by the 1st respondent-Mandal Revenue Officer, Tullur on 01-09-2005, and by the 2nd respondent-District Collector on 31-08-2005. It is the specific case of the petitioner that though the representation, dated 08-06-2005, was received by the 3rd respondent-Station House Officer, Tullur, no action has been taken so far. It is stated that, in fact, the said written representation was received by the Head Constable and he acknowledged the receipt of the same.

4. A counter has been filed by the 3rd respondent-A.Srinivasaraju, Sub Inspector of police, stating that he has assumed the charge on 11-04-2006. It is admitted that the son of the petitioner namely Maguluri Kumar lodged a complaint with the respondent police station on 08-06-2005 making certain allegations that the 4th respondent trespassed into the dwelling hut of the petitioner in the said plot No.11. The Head Constable No.1758, namely K.Venkateswararao, acknowledged the receipt of the said complaint but did not enter the same in the general diary. On coming to know about the filing of the writ petition and after receipt of communication from the Government Pleader, the 3rd respondent personally verified the records but the said complaint could not be traced and accordingly a copy of the said complaint, dated 08-06-2005, was obtained from the office of the Government Pleader which was filed as material paper in the Writ Petition, based on which a case in Cr.No.43 of 2006 was registered for the offence punishable under Sections 447, 427, and 506 IPC on 02-

06-2006 and investigation was taken up. It is further stated that a charge memo was also issued to the said Head Constable by the Inspector of Police, Amaravathi Circle on 03-06-2006 calling for explanation and the explanation is awaited for taking necessary action against the said Head Constable.

5. When a written intimation has been made before the 3rd respondent-Station House Officer alleging that a cognizable offence has been committed, there cannot be any justification on the part of the 3rd respondent in not registering a crime immediately, and investigating the same in accordance with law. But however, now that the case has been registered based on the copy of the said representation, the 3rd respondent is directed to complete the investigation in Cr.No.43 of 2006, as expeditiously as possible, and file a report before the concerned Magistrate in accordance with law within four weeks from the date of receipt of a copy of this order and also take appropriate action against the said Head Constable for dereliction of duties. Apart from that, if the petitioner wants to initiate criminal proceedings against the Head Constable it is also open for her to take appropriate steps for disobedience of the directions of law.

6. Accordingly, the Writ Petition is disposed of with costs of Rs.3000/- (rupees three thousand only) payable by the 3rd respondent to the petitioner. It is open for the 3rd respondent to recover the said costs from the said erring Officer.

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V.ESWARAIAH, J

23rd March, 2007
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